

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G) | Application 02-12-027 (Filed December 20, 2002) |
| Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M) | Application 02-12-028 (Filed December 20, 2002) |
| Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Gas Company and San Diego Gas & Electric Company. | Investigation 03-03-016 (Filed March 13, 2003) |

**RULING DENYING THE MOTION OF GREENLINING INSTITUTE AND
LATINO ISSUES FORUM TO COMPEL RESPONSES TO
OUTSTANDING DATA REQUESTS**

1. Summary

Greenlining Institute and Latino Issues Forum (Greenlining/LIF) served a “first set” of data requests on Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E), (collectively, the Companies) on February 28, 2003. SoCalGas and SDG&E raised a series of objections to the data request by a letter to Greenlining/LIF dated April 7, 2003. They delivered partial responses to Greenlining/LIF on April 8, and April 17, 2003. On May 9, 2003

Greenlining/LIF filed the Motion to Compel a complete response. The Companies made a further data response on May 13, 2003, after the motion was filed. The companies served a response to the motion on May 19, 2003. The assigned Administrative Law Judge (ALJ) denied Greenlining/LIF's request for leave to reply to applicants' response to the motion, indicating that there was sufficient information available to rule on the motion. With respect to the remaining unanswered questions in the data request, as discussed below, this Ruling denies the motion.

2. The Data Request

The Greenlining/LIF data request is composed of eighty-five distinct requests, numbered "Greenlining/LIF DR 1.1" through "Greenlining/LIF DR 1.85." Greenlining/LIF categorized these 85 questions in the data request as follows:

1. Minority Contracting/General Order (GO) 156, DR 1.1 through 1.12
2. California Alternate Rate for Energy (CARE), DR 1.13 through 1.16.
3. Energy Efficiency Programs, DR 1.17 through 1.18.
4. Diversity/Ability to Serve Diverse Populations at Sempra Energy (Sempra), DR 1.19 through 1.29.
5. Diversity/Ability to Serve Diverse Populations at SDG&E, DR 1.30 through 1.37.
6. Diversity/Ability to Serve Diverse Populations at SoCalGas, DR 1.38 through 1.45.
7. Philanthropy, DR 1.46 through 1.68.

8. Executive Compensation, DR 1.69 through 1.85.

According to SoCalGas and SDG&E, they responded on April 8, 2003 to DR 1.1, 1.46, 1.68 through 1.82, and 1.84. SoCalGas and SDG&E also objected to providing further information to DR 1.1 beyond this response. On the same date responses were provided to DR 1.83 and 1.85. On April 17, 2003 SoCalGas and SDG&E responded to DR 1.3, 1.5 and 1.19. On May 13, 2003, after the motion was filed, SoCalGas and SDG&E answered DR 1.11 through 1.18 and 1.20 through 1.45.

3. Status of All Requests

Greenlining/LIF seeks a ruling that compels SoCalGas and/or SDG&E to comply with responses to some of the requests. In order to grant such a ruling I must examine each question, the justification offered by Greenlining/LIF, and then determine whether the request is reasonably within the scope of the proceeding after also considering applicants' objections. The scope in the consolidated proceedings Applications (A.) 02-12-027, 02-12-028 and Investigation (I.) 03-03-016, has been identified by the April 2, 2003 *Assigned Commissioner's Ruling Establishing Scope, Schedule and Procedures* (Scoping Memo) and by the May 22, 2003 *Ruling Clarifying the Scoping Memo and Modifying the Schedule*. Greenlining/LIF and SoCalGas and SDG&E prepared a table that summarized the status of their positions on Data Request 1 in response to an electronic communication on May 20, 2003¹ from the ALJ seeking confirmation of

¹ The table was provided on May 23, 2003, in response to an electronic message on May 20, 2003 to counsel for Greenlining/LIF, and SoCalGas and SDG&E. Movant and applicants were asked to consult with each other and then confirm or correct a tabulation of the status of the questions in Data Request 1.

the status of the responses. That table (reformatted) is Attachment A to this Ruling.

1. Minority Contracting/GO 156.

Greenlining/LIF argues that applicants' responses to DR 1.2 through 1.5 are inadequate, but do not explain the specific nature of the inadequacy. It argues too that Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) in A.02-11-017 and A.02-05-004 answered similar questions, respectively. SoCalGas and SDG&E respond that they either responded adequately, or they have valid objections to DR 1.2 and 1.4 as outside of the scope of the proceeding. They argue the questions belong within the scope of Rulemaking (R.) 03-02-035. It is irrelevant to this case whether SCE and PG&E responded to similar requests when the objection raised by the companies was that the questions were within the scope of another proceeding. Without a clear indication of what is inadequate about the responses, the motion is denied for DR 1.2 through 1.5.

Greenlining/LIF makes no affirmative argument in the motion to compel a response to DR 1.6 through 1.10 that they are relevant or likely to lead to relevant evidence in this proceeding. SoCalGas and SDG&E did object specifically because the questions are, they believe, within the scope of R.03-02-035. On their face, these questions directly relate to the exclusions in General Order (GO) 156 and SoCalGas and SDG&E need not respond to DR 1.6 through 1.10 because they relate to an issue specifically excluded by the scoping memo.

2. CARE

SoCalGas and SDG&E answered DR 1.13 through 1.16; they were not a part of this motion, and therefore are apparently considered complete. Any further questions that Greenlining/LIF may have after the current responses

have been analyzed, should be made in a new data request² without arguing the adequacy of the current response or filing another motion.

3. Energy Efficiency

SoCalGas and SDG&E answered DR 1.17 and 1.18; they were not a part of this motion, and therefore are apparently considered complete. Any further questions, that Greenlining/LIF may have after the responses have been analyzed, should be made in a new data request without arguing the adequacy of the current response or filing another motion.

4. Diversity

SoCalGas and SDG&E answered DR 1.19 through 1.45; they were a part of this motion. There was an objection to all questions that applied to the non-utility affiliates of Sempra Energy, the parent company of both SoCalGas and SDG&E. The applicants need only respond with respect to the parent corporation, and the two utilities that are subject to the Commission's jurisdiction. Greenlining/LIF states in Attachment A that it has not had time to review the responses received after the motion was filed. Any further questions, that Greenlining/LIF may have after the responses have been analyzed, should be made in a new data request without arguing the adequacy of the current response or filing another motion.

5. Philanthropy

This series of questions includes several that are essentially the same questions differentiated by income/racial/ethnic groupings (but not gender) and

² Greenlining/LIF must submit any testimony on September 5, 2003, so it must work with applicants to promptly make any further reasonable requests with adequate time for both a response and testimony preparation before the deadline.

duplicated separately for Sempra, (the parent company of both applicants) SoCalGas, and SDG&E. In the motion Greenlining/LIF makes three assertions: 1) the Commission (presumably meaning the assigned Commissioner's scoping memo) found this area to be within the scope of the proceeding, 2) the data "is relevant in a general rate case", and 3) that SCE and PG&E responded to similar requests in A.02-05-004 and A.02-11-017, respectively.

SoCalGas and SDG&E objected to the questions in a letter to Greenlining/LIF dated April 7, 2003. They cite the scoping memo at page 7 where it was ruled that a party would have to show a request to be "relevant to the 2004 test year revenue requirement" (underlining in the original). This would tend rebut the first and second assertions of Greenlining/LIF because there is no argument to support the relevance of the data in the motion. Applicants further argue that the applications include no revenue requirement for philanthropic expenses to be charged to customers. SoCalGas and SDG&E assert that the costs are instead borne by shareholders. Greenlining/LIF has failed to show that these requests address costs that are at issue in these proceedings, because applicants do not seek to recover any philanthropic costs as a part of revenue requirements. It is irrelevant to this case whether SCE and PG&E responded to similar requests in other proceedings. The motion to compel a response to DR 1.47 through 1.68 is denied. Shareholder financed philanthropy is not within the scope of these proceedings. Greenlining/LIF must show that its questions address an element of the applicants' cost of service revenue requirements proposed for recovery in retail rates.

6. Executive Compensation

SoCalGas and SDG&E have provided data in response to DR 1.69 through 1.85 and Greenlining/LIF asserts the responses are inadequate, but does not

explain the specific nature of the inadequacy. There appears to be no outstanding issue, although Greenlining/LIF indicates that another motion will be filed after the responses are reviewed. Any further questions, after the responses have been analyzed, should first be made in a new data request without arguing the adequacy of the current response or filing another motion on the first data request.

IT IS RULED:

1. The Motion to Compel any further responses to the questions contained in the “first set” of data requests of Greenlining Institute and Latino Issues Forum (Greenlining/LIF) on Southern California Gas Company and San Diego Gas & Electric Company on February 28, 2003 is denied.
2. Consistent with the proceeding discussion, Greenlining/LIF should propound as new data requests any further questions it may have as a result of analyzing the responses already provided to Data Request No. 1.
3. Shareholder financed philanthropy is not within the scope of these proceedings.

Dated June 18, 2003, San Francisco, California

Douglas M. Long
Administrative Law Judge

Attachment A**Reformatted Response By Greenlining/LIF and Applicants.
By Greenlining/LIF and Applicants.****Tabulation Of Greenlining's Outstanding Data Questions (Data
Request, 1)**

| Data Question No. | Topic | Greenlining Position* | Sempra Position |
|--------------------------|---------------------------------|---|--|
| 1.1 | Minority Contracting/ GO 156 | Original Position: Responses outstanding (inadequate response)/Responses requested New Position: Applicants have informed Greenlining that although the Sempra Energy Utilities (SDG&E and SoCalGas) file GO 156 reports, Sempra Energy (the parent company of the utilities) does not file separate G.O. 156 reports at the CPUC/Response complete and Commission action unnecessary. | Partial response provided/Valid object to remainder |
| 1.2 | Minority Contracting/ GO 156 | <i>Responses outstanding</i> (inadequate response)/Responses requested | Partial response provided/Valid objection to remainder |
| 1.3 | Minority Contracting/ GO 156 | <i>Responses outstanding</i> (inadequate response)/Responses requested | Adequate response provided |
| 1.4 | Minority Contracting/ GO 156 | <i>Responses outstanding</i> (inadequate response)/Responses requested | Partial response provided/Valid objection to remainder |

| Data Question No. | Topic | Greenlining Position* | Sempra Position |
|--------------------------|---------------------------------|---|--|
| 1.5 | Minority Contracting/ GO 156 | Responses outstanding (inadequate response)/Responses requested | Adequate response provided |
| 1.6-1.8 | Minority Contracting/ GO 156 | Not addressed in motion to compel | Valid objection |
| 1.9 | Minority Contracting/ GO 156 | Not addressed in motion to compel | Partial response provided/Valid objection to remainder |
| 1.10 | Minority Contracting/ GO 156 | Not addressed in motion to compel | Valid objection |
| 1.11 | Rate increases | Original Position: Responses outstanding (no response)/Responses requested New Position: Sempra responded after motion to compel filed/Commission action unnecessary | Adequate response provided |
| 1.12 | Rate increases | Original Position: Responses outstanding (inadequate response)/Responses requested New Position: Sempra responded after motion to compel filed/Commission action unnecessary | Adequate response provided |
| 1.13-1.15 | CARE | Original Position: Responses outstanding (no | Adequate responses provided |

| Data Question No. | Topic | Greenlining Position* | Sempra Position |
|--------------------------|-------------------|---|-----------------------------|
| | | <p>response)/Responses requested</p> <p>New Position: Sempra responded after motion to compel filed – responses require further analysis/No Commission action requested at this time</p> | |
| 1.16 | CARE | <p>Original Position: Responses outstanding (no response)/Responses requested</p> <p>New Position: Sempra responded after motion to compel filed/Commission action unnecessary</p> | Adequate response provided |
| 1.17-1.18 | Energy Efficiency | <p>Original Position: Responses outstanding (no response)/Responses requested</p> <p>New Position: Sempra responded after motion to compel filed – responses require further analysis/No Commission action requested at this time</p> | Adequate responses provided |
| 1.19-1.45 | Diversity | <p>Original Position: Responses outstanding (no response)</p> <p>New Position: Sempra responded after motion to compel filed – responses require further analysis/No Commission action requested at this time</p> | Adequate responses provided |

| Data Question No. | Topic | Greenlining Position* | Sempra Position |
|--------------------------|------------------------|--|-----------------------------|
| 1.46 | Philanthropy | Responses adequate/no Commission action requested at this time | Valid objection |
| 1.47-1.68 | Philanthropy | <i>Responses outstanding</i> (inadequate response)/Responses requested | Valid objection |
| 1.69-1.85 | Executive Compensation | Still under analysis/no Commission action requested at this time | Adequate responses provided |

* Greenlining filed a Motion to Compel on May 9. Two business days later, Sempra contacted Greenlining regarding questions 1.11 through 1.45. Greenlining's original position and new position are both indicated in the table above.

(END OF ATTACHMENT A)

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Ruling Denying The Motion Of Greenlining Institute And Latino Issues Forum To Compel Responses To Outstanding Data Requests on all parties of record in these proceedings or their attorneys of record.

Dated June 18, 2003, San Francisco, California

Janet V.Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.